

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

VINCENT ROSENBALM,

Plaintiff,

No. 3:15-cv-01701-PK

OPINION AND ORDER

v.

**LINETTE BOGDAN; UNITED STATES
GOLF ASSOCIATION,**

Defendants.

MOSMAN, J.,

On October 7, 2016, Magistrate Judge Papak issued his Findings and Recommendation (“F&R”) [32], recommending that Defendants’ Motion for Terminating Sanctions or, Alternatively, for Summary Judgment [23] should be GRANTED. Plaintiff filed his Objections to the F&R [35] on October 20, 2016, and Defendants filed their Response [36] on November 3, 2016. For the reasons stated below, I ADOPT the F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge Papak's recommendation that this case should be dismissed with prejudice for Plaintiff's complete refusal to engage in the discovery process. Dismissal of the case renders the alternative motion for summary judgment moot. This is consistent with my reading of Judge Papak's F&R; I make no ruling on summary judgment because the terminating sanctions moot the summary judgment motion. Therefore, I ADOPT Judge Papak's F&R [32].

IT IS SO ORDERED.

DATED this 1st day of December, 2016.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge